Search and Seizure Bulletin

Eugene M. Quinlan, L.L.B., Editor

Regina L. Quinlan, J.D., Ass't Editor

INDEX 1985

JANUARY 1985 — DECEMBER 1985

	Month	Page
Airport Search		
Critical Zones, Lopez, (11th Cir.)	Nov.	2
Arrest		
Illegal Arrest - Evidence, Feingold, (N.Y.)	May	4
Illegal Arrest - Search Valid, Myers, (Tex.)	May	1
Justified - Incident to Arrest, Gordon, (Ore.)	Apr.	7
Auto Search		
Auto Vin Number, Class, (N.Y.)	May	6
Following Custodial Arrest, Navano, (Fla.)	July	2
Identity of Vehicle - Not a Search, Debardelaben, (Tenn.)	Jan.	8
Illegal Aliens, Varela, (Tex.)	Mar.	3
Impounded Vehicle - Inventory, Long, (Mich.)	May	8
Impoundment - Inventory Search, Starks, (Okla.)	July	2
Plain View, Cardenas, (La.)	July	1
Robbery Suspects, Weir, (Iowa)	May	1
Warranties - Illegal, Figueroa, (Ma.)	Mar.	3
Blood Test		
Paternity - Action, Rawson, (N.Y.)	Sept.	6
Refusal to Take, Allen, (Ga.)	Nov.	1
Border Search		
No Warrant, Sarda-Villa, (Fla.)	Nov.	1
Reasonable, White, (9th Cir.)	Nov.	2
Breathalyzer Test		
Refusal to Submit, McCracken, (Ark.)	Jan.	4
Citizen Search		
Condo Association, Cohan, (Mich.)	Aug.	2
Off-Duty Officer, Castillo, (Id.)	Aug.	3
Social Worker, E.Z., (Ill.)	Aug.	3
Civil Rights		
"Denver Boot," Grant, (Ill.)	May	4
Search by School Officials, Tarter, (Oh.)	Jan.	7
Surgical Removal of Bullet, Lee, (Va.)	June	4
Valid Warrant, Unlawful Search, Porter, (La.)	June	4
Consent		
After Arrest, Pautard, (La.)	Dec.	1
Apparent Authority Over Premises, Wade, (Mo.)	Jan.	6
Beyond Scope - Auto Exception, Thiret, (Colo.)	Jan.	5
Coercion, Kapperman, (11th Cir.)	Dec.	2
Driver, Lott, (Ala.)	Feb.	6
Exception to Warrant Requirement, Harvard, (La.)	Oct.	1
Fraud - Deception, Andrews, (5th Cir.)	Feb.	3
Girlfriend, Hanley, (Mn.)	July	5
Haul Away Rubbish, Fossum, (Mn.)	July	4
Invalid - Suitcase, Pre-Incarceration, Sierra, (Mont.)	Apr.	6
Landlord, Mathe, (Wash.)	Feb.	6
Landlord - Insufficient, Brewer, (Colo.)	May	2
Lessee's Consent, Salvador, (Az.)	Jan.	6
Neighbor, Eugsberg, (Wis.)	June	2
Package Search, Myers, (Tex.)	May	1
Plastic Bag - No Warrant, McNatt, (N.Y.)	July	4
Real Estate Broker, Buschel, (N.Y.)	Feb.	5
Right to Counsel, Cody, (S.D.)	June	1
Roadblock, Obregon, (N.M.)	May	2
Spouse, Ballard, (Ala.)	May	2
Surrender of Prisoner, Ebersole, (Pa.)	Oct.	1
Suspect's Home, Townes, (Ill.)	June	1
Vehicle Search, Weir, (Iowa)	May	1
Voluntary - Illegal First Search, Carson, (10th Cir.)	Oct.	1
Electronic Beeper		
Fourth Amendment Challenge, Henderson, (9th Cir.)	Mar.	8
Entry		
Apartment, Moreno, (Ca.)	Sept.	6
Apartment - Illegal, Demetrius, (N.Y.)	May	5
Attempt - Use of Sledghammer, Fox, (Colo.)	May	4
Emergency - Warrantless, Bondi, (Ill.)	June	2
Forcible, DiCesare, (Ca.)	Oct.	2
Illegal, DeKuyper, (Ore.)	Dec.	5
Illegal - Later Warrant Destroys Taint, Lancellotti, (9th Cir.)	Oct.	3
Knock and Announce, Remigio, (10th Cir.)	Dec.	5
Knock and Announce - Unoccupied, Van Allen, (Fla.)	Jan.	6
No Announcement, Simons, (4th Cir.)	Oct.	3
No Warrant - Reasonable Conduct, Hicks, (Ca.)	May	5
No Warrant - Routine Felony Arrest, Houston, (Mn.)	May	4
Private Driveway, Smith, (N.Y.)	Sept.	6
Qualified Immunity, Robinson, (Neb.)	July	1
Expectation of Privacy		
Abandoned Auto, Henderson, (Okla.)	Nov.	4
Abandoned Bag, Collis, (6th Cir.)	Nov.	3
Basement, McGrane, (8th Cir.)	Feb.	1
Cell - Inmate, Darwin, (Fla.)	Sept.	7
Expectation Privacy of Partner's Person, Brown, (11th Cir.)	Feb.	1
Garbage Pit, Cihylik, (Pa.)	June	3
Girlfriend's Apartment, DeMoss, (N.Y.)	Sept.	7
Karate Studio, Perry, (11th Cir.)	Feb.	2
Motel Records, Willis, (Ala.)	Oct.	5
No Standing, Torres, (Fla.)	Jan.	8
Personal Papers - Girlfriend's Apartment, Kumpula, (Mn.)	Feb.	2
Police Demand for Motorcycle, Angelella, (N.Y.)	Aug.	6
Roadblock, Scott, (N.Y.)	May	7
Search of House, Bittner, (S.D.)	Apr.	5
Taxi, Castro, (N.Y.)	Jan.	1
Frisk		
Stop and Frisk - Extent, Jamison, (Fla.)	Mar.	6
Suspected Accomplice, Bell	Dec.	4
Illegal Search		
Back Pack - No Warrant, Rounds, (Ore.)	Aug.	5
Car - No Exigent Circumstances, (Okla.)	June	7
Defective Warrant - Harmless Error, Henera, (N.M.)	June	8
Interior of Car, Jordan, (Wash.)	Aug.	2
No Warrant, Alvarado, (Fla.)	Aug.	6
Third Party Home, Kao, (Mont.)	Aug.	4
Trunk Vehicle, Brown, (Ore.)	June	6
Valid Warrant - Unlawful Search, Porter, (La.)	June	4
Informant		
Reliability, Hendrix, (Ill.)	Sept.	8
Inventory Search		
Detoxification Detainee, Perry, (Ore.)	Feb.	8
Knock and Announce		
Exigent Circumstances, Ried, (Wash.)	Jan.	4
Pat Down		
Invalid Search of Pockets, Cavalieri, (Pa.)	Apr.	5
Person Search		
After Hours Joint, Hinkel, (Mn.)	Aug.	5
Visitor Arrives During Search, Gobely, (Mn.)	Aug.	4
Plain View		
Vehicle Search, Dale, (Ala.)	Aug.	2
Premises Search		
Aerial - Field, Myrick, (Wash.)	Mar.	4
Aerial - Helicopter, Randall, (Fla.)	Mar.	1
Aerial Search, Bassford, (Me.)	June	5
Canine Sniff - No Warrant, Thomas, (N.Y.)	Sept.	1
Day Care Center - No Warrant, Rush, (Ca.)	July	3
Exigent Circumstances, Pearson, (Ore.)	Feb.	7
Exigent Circumstances - Threat of Evidence Destruction, Sayre, (Ind.)	Apr.	5

This publication is designed to provide accurate and authoritative information in regard to the subject matter covered. It is sold with the understanding that the publisher is not engaged in rendering legal, accounting, or other professional service. If legal advice or other expert assistance is required, the advice of a competent professional person should be sought.

Search and Seizure Bulletin Postal Service No. ISSN 0037-0193 is published by **QUINLAN PUBLISHING CO., INC.,**
131 Beverly Street, Boston, Massachusetts 02114 Copyright © 1985

	Month	Page
Federal Firearm Statute, Cerri, (7th Cir.)	June	6
Home - Warrant, Petty, (Wyo.)	July	3
Hotel Room - Illegal, Cook, (W.V.)	Nov.	8
Illegal Warrant, Worz, (Pa.)	Nov.	8
Illegal - Third Party Home, Kao, (Mont.)	Aug.	4
Inadvertant Discovery, Burch, (N.C.)	Feb.	6
Insurance Investigator, Howard, (Ky.)	May	5
Lawful Search/Seizure, Felton, (Pa.)	Mar.	2
Lessee's Consent, Salvador, (Az.)	Jan.	6
Marijuana Field - No Warrant, Dever, (Ark.)	July	2
Overbroad Warrant, Krut, (3rd Cir.)	Feb.	2
Parole Officer, Jarrad, (Ca.)	June	6
Racetrack, Pullin, (La.)	July	4
Rubbish Hauled - Consent, Fossum, (Mn.)	July	4
Search for Photos - Memberships, Haley, (Iowa)	Sept.	3
Surveillance Helicopters, (Ca.)	Dec.	7
Victim's Home, Villareal, (Tex.)	June	5
Probable Cause		
Detention, Morrison, (La.)	May	3
Fair Probability, Jackson, (Ca.)	Sept.	3
Informant's Tip, Roberts, (9th Cir.)	Mar.	7
Reasonable Suspicion - Traffic Stop, Castle, (Ind.)	Sept.	2
Stop - Suspicious Individual, Georing, (Tex.)	Sept.	3
Store Detective - Search of Workers' Car, Wiecking, (Haw.)	Aug.	2
Totality of Circumstances, Settegast, (Tex.)	June	4
Roadblock		
Safety Inspection, Goines, (Oh.)	June	7
Scope of Search		
Seizure Overbroad, Klitzman, (N.J.)	Jan.	5
Search - Person		
Armed Suspect, Mitchell, (N.Y.)	Feb.	6
Gunpoint - Not Justified, Francis, (N.Y.)	Dec.	4
Not a Warrant, Burbank, (Mich.)	May	8
Pursuant to Arrest, Stimpert, (Mn.)	Dec.	4
Strip Search, Stevens, (N.J.)	Dec.	3
Strip Search - Minor Traffic Violation, Giles, (9th Cir.)	Mar.	3
Strip Search - Suspicion, Des Jardins, (Ca.)	Mar.	2
Search Incident to Arrest		
Following Sale of Cocaine, Torres, (N.Y.)	Jan.	2
For Home - Garaged Car, Percival, (Ill.)	July	5
Stop and Frisk, Badr, (N.Y.)	Aug.	4
Seizure		
Abandoned Contraband, Fleming, (La.)	Mar.	5
Abandoned Property, Bergerson, (N.Y.)	May	7
Accident Scene - Blood, Hair, House, (Me.)	Mar.	6
Acquisition of Mail, Barr, (N.Y.)	Sept.	4
Automobile Exemption, DiPietro, (N.Y.)	Sept.	5
Business Records - Obscenity, Guarino, (R.I.)	Dec.	2
Confiscation, Baldachino, (1st Cir.)	Oct.	3
Deceit - Undercover Agent, Goldstein, (Ill.)	Dec.	2
Documents - Plain View, Panza, (N.Y.)	Apr.	7
From Airplane, Willis, (11th Cir.)	Sept.	4
Garbage Pit, Cihylik, (Pa.)	June	3
Handwriting Exemplars, (Miss.)	June	3
Illegal - Not in Plain View, Dart, (N.C.)	Mar.	4
Illegal - Not Incriminating, McLernon, (Oh.)	Mar.	4
Lawful - Metal Parts to Weapon, Lewis, (Tex.)	Apr.	7
Passports, Segall, (Fla.)	Jan.	8
Placing in a Line-Up, Whittaker, (N.Y.)	Sept.	5
Plain Sight, Robinson	June	3
Plain View, Terry, (Ala.)	Oct.	4
Plain View - Boots While Worn, Schueler, (Me.)	June	3
Plain View - Unlawful, Bassford, (Me.)	June	5
Return of Weapon After Acquittal, Camiero, (Fla.)	July	5
Scope - Permeates Whole Business, Sugar, (N.Y.)	Oct.	5
Standing, Nelson, (Wash.)	Dec.	3
Tax Investigation, Murray, (Ca.)	May	6
Truck Seized the Day After Arrest, Lavicky, (Okla.)	Sept.	4
Undercover Agent, Murphy, (Ga.)	May	7
Warrantless - To Prevent Destruction, Jackson, (Fla.)	Apr.	8
Weapons Retained After Search - LaFerrara, (Fla.)	Mar.	5
Weapons Seized After "Stop," Hensley, (Oh.)	Mar.	5
Standing		
Adjacent Land - No Standing, Smallwood, (Ga.)	Feb.	3
Murderer - Search of Victim's Home, Villareal, (Tex.)	June	5
Search of Co-Conspirator, Brown, (11th Cir.)	Feb.	1
Search of Girlfriend's Apartment, Moss, (Ga.)	Feb.	2
Search of Karate Studio, Perry, (11th Cir.)	Feb.	2
Stop		
Hispanic - Patently Unreasonable, Ramirez, (Mich.)	May	3
Reasonable Suspicion - Auto, Banner, (Tex.)	Oct.	4
Tax Records		
Refusal to Produce, Hallowell, (5th Cir.)	Feb.	8
Vehicle Search		
Exception to Warrant Requirement, Swingler, (Colo.)	Aug.	1
Expectation of Passenger, Strmel, (5th Cir.)	Feb.	5
Illegal Search - Interior, Jordan, (Wash.)	Aug.	2
Invalid - No Probable Cause, Garcia, (Fla.)	Apr.	6
Inventory, Bronaugh, (Oh.)	June	7
Landlord Consent, Mathe, (Wash.)	Feb.	6
Mobile Home - Used for Transport, Holland, (Fla.)	Jan.	3
No Exigent Circumstances, Castleberry, (Okla.)	June	7
No Warrant - Plain View, Dale, (Ala.)	Aug.	2
Rented Car - Closed Compartment, Rule, (Me.)	Feb.	5
Search Three Days After Seizure, Johns, (S.Ct.)	Mar.	1
Trunk - No Consent, Brown, (Ore.)	June	6
Warrant		
Accused Not Present, Harper, (La.)	Mar.	2
Administrative Search - "Wall to Wall," Workplace, (Mo.)	Jan.	2
Affidavit, Badessa, (R.I.)	June	8
Affidavit Based on Police Observations, Cavegn, (Mn.)	Feb.	3
Affidavit Defective, Reivich, (Mo.)	Nov.	5
Affidavit - Incorporation by Reference, Berisford, (10th Cir.)	Apr.	3
Affidavit - Sufficient, Pierce, (Mn.)	Apr.	3
Change in Number or Location, Bascaro, (Fla.)	Feb.	7
Description of Place, Ockman, (La.)	Sept.	8
Electronic Surveillance, Abraham, (Neb.)	Mar.	6
Evidence, Eschweiler, (7th Cir.)	Mar.	6
False Information - Still Valid, Lee, (W.V.)	Feb.	4
False Statement - Still Valid, Delmonaco, (Conn.)	Feb.	4
General Warrant, DeLuna, (8th Cir.)	Oct.	6
Good Faith Exception, Bernie, (Fla.)	Nov.	7
Good Faith Exception, Shannon, (La.)	Nov.	6
Hearsay - Reliability, Guerrero, (Ore.)	July	7
Inaccurate Statements, Payne, (Ore.)	July	6
Informants - Order Attacked, Tufaro, (N.Y.)	Feb.	7
Informer's Statement, Acevedo, (N.Y.)	Aug.	7
Insufficient Probable Cause, Evidence Admissible, Fania, (N.Y.)	Sept.	2
Insufficient - Harmless Error, Henera, (N.M.)	June	8
Invalid - Affidavit Insufficient, Adkins, (Tex.)	Feb.	4
Invalid - False Implication - Affiant Never Spoke to Informant, Marrow, (Fla.)	Apr.	4
Invalid - Improper Application, Health, (N.C.)	Oct.	7
Invalid - Particularity, Hewell, (Ind.)	Apr.	2
Invalid - To Draw Blood, Granger, (Wis.)	Apr.	3
Material Omission, (9th Cir.)	Oct.	6
Material Omissions, Carter, (Az.)	Dec.	8
Misstatements - Independent Source Rule, Palumbo, (N.H.)	Jan.	2
Misstatements - Still Valid Warrant, Coronel, (Fla.)	Apr.	2
Not Overly Broad, Lett, (Ma.)	Feb.	3
Not Required to Knock, Allyn, (Wash.)	Sept.	8
Omissions, Freitas, (Ca.)	Nov.	6
Order - "Others as Yet Unknown," Figueroa, (N.Y.)	Sept.	6
Outdated, DeJesus, (N.Y.)	Mar.	7
Overbroad?, Faul, (N.D.)	May	6
Overbroad - Invalid, Krut, (3rd Cir.)	Feb.	2
Partially Valid - Partially Overbroad, Vitek, (Neb.)	Apr.	2
Particularly Described, Teague, (Ala.)	Dec.	8
PR, Adcock, (Tex.)	July	6
Probable Cause, Clark, (La.)	Oct.	7
Probable Cause, Gallo, (N.Y.)	Apr.	1
Probable Cause, White, (1st Cir.)	Nov.	5
Probable Cause - Probability, Thompson, (Mn.)	Apr.	2
Reasonableness, Peacock, (9th Cir.)	Oct.	6
Scope - Not Overbroad, Pearson, (Fla.)	Feb.	4
Separate Arrest Warrant, Bey, (Kan.)	July	6
Served Outside Jurisdiction, Mason, (Pa.)	Sept.	1
Sufficiency of Affidavit, Wallace, (Tenn.)	Mar.	8
Sufficient Description, Gordon, (Ill.)	Feb.	4
Sufficient Particularity, Clifford, (Ind.)	Oct.	7
Valid - Even if After Initial Invalid Search, Walters, (Tex.)	Apr.	4
Warrant - Limitations, Basilicato, (N.Y.)	July	7
Witnesses, Armsberg, (9th Cir.)	Jan.	7
Wiretap		
Admissibility, O'Leary, (Ill.)	Oct.	8